

## REMARKS

Claims 1-7, 10-14, 16-18, 20-45, 47-58, 64-66, 71 and 78-93 are pending in this case. Of these claims, claims 10, 11, 24-26 and 45 were withdrawn by the Examiner. This amendment cancels claims 1-6, 16, 21-23, 37, 42-45, 47-50, 55-58, 64-66, 71, 84, 85, and 89-93 without prejudice or disclaimer. Claims 17 and 18 are rewritten as independent claims. Claims 7, 12, 20, 27, 30-32, 36, 38-41, 78-83 and 87 have been amended to depend from claim 17. Claims 51 and 54 have been amended to ultimately depend from claim 18. New claims 94 to 129 have been added. On entrance of this amendment claims 7, 10-14, 17, 18, 20, 27-36, 38-41, 51-54, 78-83, 86-88 and 94-129 will be in this case.

### Inventors' Declaration

A corrected Inventors' Declaration executed by inventor Gebeyehu is submitted to comply with the Examiner's request.

### Amendments to the Specification

The specification has been amended at page 17 to correct the description of Figures 4A and 4B as suggested by the Examiner.

The specification has been amended at page 26 to add sequence ID numbers for sequences inadvertently omitted from the sequences listing submitted in this case.

A replacement paper copy of the corrected sequence listing is submitted herewith to replace pages 92 to 200 of the specification as filed.

No new matter is added by these amendments.

### Amendments to the Claims

Claims 11, 13 and 14 have been amended to add full names in place of abbreviations. The amendments are supposed on pages 10 and 35 of the specification.

Claims 17 and 18 have been rewritten in independent form and are believed to now be allowable.

Claims 7, 12, 20, 27, 30-31, 36, 38-41, 78-83 and 87 have been amended to depend from claim 17.

Claims 32-35 have been rewritten as method claims dependent from claim 52 which in turn depends from claim 17. This amendment was made to obviate a rejection under 35 U.S.C. 112, second paragraph.

Claims 51 and 54 have been amended to depend from claim 18 and new claim 119 and now both ultimately depend from claim 18.

New claim 94 depends from claim 17 and is supported by the recitation of peptides and proteins in original claim 56.

New claims 95-97 are claims to transfection reagents kits containing components of the composition of claim 17. These claims are supported by original claims 64, 65 and 71 as well as original claim 17.

New claims 98-126 are dependent upon claim 18 and are supported by the original claims. New claim 113 is further supported by the recitation of peptides and proteins in original claim 56. New claims 127-129 are directed to transfection reagent kits comprising components of the composition of claim 18. these claims are supported by original claims 64, 65 and 71 as well as original claim 18.

All of the new claims are believed to read on the elected invention.

Claims 11, 13 and 14 have been amended to replace abbreviations with full names.

Claim 10 which has been withdrawn from consideration by the Examiner has been amended to depend from claim 17.

The amendments to the claims do not add new matter to the application.

#### The Withdrawn Claims

Claims 10 and 11 have been withdrawn from consideration by the Examiner as directed to a non-elected invention. Claim 10 has been amended to depend from claim 17 which is believed to be allowable. Claim 11 now ultimately depends from claim 17.

Applicant requests rejoinder of claims 10 and 11 which are believed to depend from an allowable claim.

New Claims 100 and 101 are directed to subject matter similar to that in claims 10 and 11 and might be considered directed to a non-elected invention. These claims depend from claim 18 which is believed to be allowable. Applicants request that these claims remain joined with the claims presently under consideration.

#### Claim Objections

Claims 11, 13 and 14 are objected to because of the use of certain abbreviations. These claims have been amended which is believed to obviate the objection.

Claims 13, 20, 29, 31 66 and 84 are objected to because they are alleged to read on a non-elected invention. Claims 66 and 84 have been cancelled. Claims 13, 20, 29 and 31 are now ultimately dependent upon claim 17 which is believed to be allowable. It is believed that the amendment of the claims to change their dependency obviates this rejection.

#### Claim Rejections

Claims 1-7, 12-14, 16-18, 20-23, 27-44, 47-58, 64-66 and 71 are provisionally rejected under 35 U.S.C. 101 as claiming the same invention as that of claims 1-7, 12-14, 16-18, 20-23, 27-44, 47-58, 64-66 and 71 of copending application no. 10/200,879. This is a provisional double patenting rejection because the claims of the co-pending application have not in fact been patented. It is believed that this rejection is obviated in part by the amendment of the claims. Applicants will take action as necessary to avoid double patenting when it is confirmed that claims in this case are allowable.

Claims 1, 2, 4, 6,7, 12, 21-24, 48 and 49 are rejected under the judicially created doctrine of obviousness type-double patenting as being unpatentable over claims 1-34 of U.S. Patent No. 5,736,392. Claims 1, 2, 4, 6, 21-24, 48 and 49 have been canceled and claims 7 and 12 now depend from claim 17 which was not cited in this rejection. The amendment of the claims is believed to obviate this rejection.

Claims 1, 6, 7, 12, 13, 16, 17, 38, 49, 50, 55-58 are rejected under the judicially created doctrine of obviousness type-double patenting as being unpatentable over claims 1-19, 23, 30 and 48-89 of U.S. Patent No. 6,052,429. The patent cited is

commonly owned with the present application. Applicants submit a terminal disclaimer believed to be in compliance with 37 CFR 1.321(c) to overcome this rejection.

Claims 1, 6, 7, 12-14, 16-18, 20, 21-23, 27-30, 36, 42-44, 48-52, 55, 56 and 64-66 are rejected under the judicially created doctrine of obviousness type-double patenting as being unpatentable over claims 2, 5-23, 25 and 28-30 of U.S. Patent No. 6,376,248. The patent cited is commonly owned with the present application. Applicants submit a terminal disclaimer believed to be in compliance with 37 CFR 1.321(c) to overcome this rejection.

Claims 1, 2, 20, 28, 29 and 48 are rejected under the judicially created doctrine of obviousness type-double patenting as being unpatentable over claims 15, 41, 42 and 57 of U.S. Patent 6,020,202. Claims 1, 2 and 48 have been cancelled and claims 20, 28 and 29 now depend from claim 17 which is not cited in this rejection. The amendments to the claims obviate this rejection.

Claims 29, 32-35, 37, 49, 50, 66, 84 and 86 are rejected under 35 U.S.C. 112, second paragraph as being indefinite.

Claims 37, 49, 50, 66 and 84 have been canceled.

Claim 29 has been amended as suggested by the Examiner to improve antecedent basis.

Claim 86 has been amended as suggested by the Examiner to improve antecedent basis.

Claims 32-35 have been amended to depend from method claim 52 and no longer recite the language that was objected to.

The amendments to the claims obviate this rejection.

Claims 1-7, 12-14, 20-23, 28-30, 32-35, 39-41, 48-51, 54-58, 64-66, 71, 78-85, 87 and 88 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. patent 5,736,392. Claims 1-6, 21-23, 48-50, 55-58, 64-66, 71, and 84-85 have been canceled. Claims 7, 12-14, 20, 28-30, 32-35, 39-41, 78-83 now depend from claim 17. Claims 51

and 54 (ultimately) depend from claim 18. Claims 17 and 18 are believed to be patentable over the cited reference. The amendments of the claims obviate this rejection.

Claims 1, 4, 16, 21, 22, 24, 32-36, 39, 40, 42, 43, 48, 51, 54, 64, 78, 79, 82 and 83 are rejected under 35 U.S.C. 102 (b) as anticipated by Whittaker et al. (WO 96/05218). Claims 1, 4, 16, 21, 22, 24, 42, 43, 48, and 64 have been cancelled. Claims 32-36, 39, 40, 78, 79, 82 and 83 depend from claim 17. Claims 51 and 54 (ultimately) now depend from claim 18. Claims 17 and 18 are believed to be patentable over the cited reference. The amendments of the claims obviate this rejection.

Claims 1-7, 12, 14, 20, 25, 28, 29, 32-35, 48-51, 54, 64, 65, 78 and 83 are rejected are rejected under 35 U.S.C. 102 (b) as anticipated by Kamata et al. Claims 1-6, 25, 48-50, 64 and 65 have been cancelled. Claims 7, 12, 20, 78 and 83 have been amended to depend from claim 17. Claim 51 depends from claim 18. Claims 14, 28, 29, 32-35, and 54 now ultimately depend from claim 17 or claim 18 which are both believed to be patentable over the cited reference. The amendments of the claims obviate the rejection.

Claims 1-3, 20, 25, 26, 28, 29, 32-35, 38, 48, 51, 54, 64, 78, and 83 are rejected under 35 U.S.C. 102 (b) as anticipated by Lapidot. Claims 1-3, 25, 26, 48, 64, and 65 have been cancelled and claims 20, 38, 78 and 83 now depend from claim 17 which is not cited in this rejection and is believed to be patentable over the cited reference. Claims 51 and 54 (ultimately) depend from claim 18 which is not cited in this rejection and is believed to be patentable over the cited reference. Claims 28, 29, and 32-35 now ultimately depend from claim 17 as well and are believed to be patentable over the cited reference. The amendments to the claims obviate this rejection.

Claim 86 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kamata et al. in view of Haces et al. (U.S. Patent 5,674,908). Claim 86 now depends from claim 17 which is not cited in this rejection and is believed to be patentable over the combination of references cited. The amendment of the claims obviates this rejection.

Claim 47 is rejected is rejected under 35 U.S.C. 103(a) as being unpatentable over Whittaker et al. in view of Lapidot. Claim 47 has been cancelled obviating this rejection.

Claims 31, 56 and 89-93 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 5, 736,392 in view of O'Hare et al. Claims 56 and 89-93 have been cancelled obviating this rejection with respect to those claims. Claim 32 now depends from claim 17 which is not cited in this rejection and is believed to be patentable over the combination of references cited. The amendment of the claims obviates this rejection.

#### Conclusion

The claims remaining in this case are believed to be allowable and passage to issuance is respectfully requested. This amendment is accompanied by a Petition for Extension of Time of three months (\$1,020), and two terminal disclaimers (\$260) as discussed above with appropriate fees (\$1,280.00). As filed, the application contained 77 claims of which 7 were independent. The application as amended contains 72 claims of which 4 are independent. It is believed that no fees for excess claims are due. If the enclosed amount is incorrect, please charge any deficiency or credit any overpayment to deposit account 07-1969.

Respectfully submitted,



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